

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

TEK FOR YOUR LIFE, LLC,

Plaintiff,

Case No. 3:23-cv-228

vs.

SHINE ON, LLC, *et al.*,

Defendants.

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

**ORDER DENYING DEFENDANTS' MOTION TO STAY,
DISMISS, OR TRANSFER (Doc. No. 5)**

This case is before the Court upon Defendants' motion to stay, dismiss, or transfer (Doc. No. 5), Plaintiff's response in opposition (Doc. No. 8), and Defendants' reply (Doc. No. 9).

Defendants rely on the "first-to-file" rule, which "provides that when actions involving nearly identical parties and issues have been filed in two different district courts, the court in which the first suit was filed should generally proceed to judgment." *Certified Restoration Dry Cleaning Network, LLC v. Tenke Corp.*, 511 F.3d 535, 551 (6th Cir. 2007) (cleaned up).

Applying the "first-to-file" rule, Defendants argue that an Order staying, dismissing, or transferring this case is warranted due to the existence of a similar previously filed case in the Northern District of Oklahoma—namely, *Breckenridge Consulting, LLC v. TEK For Your Life, LLC*, Case No. 23-cv-00248 (N.D. Okla.) (the "Oklahoma case"). Doc. No. 5 at PageID 15-18. However, after Defendants filed their motion, the district court in the Oklahoma case concluded that it lacked personal jurisdiction over TEK for Your Life, LLC. *See Breckenridge Consulting, LLC v. TEK For Your Life, LLC*, Case No. 3:24-cv-94 (S.D. Ohio) (Doc. No. 34). As a result, that District Court

transferred the Oklahoma case to this Court.¹ *Id.*

Because the Oklahoma case is no longer pending in Oklahoma, the first-to-file rule, and its underlying concerns—for example, avoiding piecemeal and duplicative litigation; encouraging comity among the federal district courts—does not presently apply, and Defendants’ motion is now moot. *See Certified Restoration*, 511 F.3d at 551 (“The first-to-file rule . . . is a well-established doctrine that encourages comity among federal courts of equal rank.” (cleaned up)); *Heyman v. Lincoln Nat’l Life Ins. Co.*, 781 Fed. App’x 463, 476 (6th Cir. 2019) (“the first-to-file rule [is] a prudential doctrine that grows out of the need to manage overlapping litigation across multiple districts.” (cleaned up)).

The Court therefore **DENIES** Defendants’ motion to stay, dismiss, or transfer.

IT IS SO ORDERED.

August 15, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge

¹ Both cases, 3:23-cv-228 and 3:24-cv-94, are now pending on Judge Newman’s docket.